



HOUSE OF REPRESENTATIVES

HB 2154

failure to appear; arrest; fingerprinting

Prime Sponsor: Representative Borrelli, LD 5

DPA Committee on Judiciary

DPA Caucus and COW

X House Engrossed

OVERVIEW

HB 2154 outlines which criminal justice agencies are responsible for taking a person's 10-print fingerprints and submitting them to Central State Repository (Repository) of criminal history records.

PROVISIONS

1. Designates the following agencies as responsible for taking 10-print fingerprints for submittal to the Repository:
 - a. The booking agency in the case of an arrest;
 - b. The county sheriff in the case of an indictment or complaint;
 - c. The city or town law enforcement agency that arrested the defendant, for a misdemeanor.
2. Requires the sheriff, in the case of a person summoned for indictment or complaint, to obtain a process control number and provide proof of fingerprinting to the person, including notice that the document must be presented in court. Includes a written promise to appear on a uniform traffic ticket and complaint in the definition of *summoned*.
3. Consolidates A.R.S. § 13-3904 (violation of promise to appear) and A.R.S. § 13-2506 (failure to appear in the second degree) into one section (both now under A.R.S. § 13-2506). Does not make any substantive changes to either offense.
4. Defines *booking agency*.
5. Makes clarifying, technical and conforming changes.
6. Contains a delayed effective date of January 1, 2017.

CURRENT LAW

[A.R.S. § 41-1750](#) charges the Arizona Department of Public Safety (DPS) with the effective operation of the Repository in order to collect, store and disseminate complete and accurate Arizona criminal history records. DPS must collect, and Arizona criminal justice agencies are required to provide, specific information for all persons who have been charged with, arrested for, convicted of or summoned to court for a:

- Felony offense,
- Offense involving domestic violence ([A.R.S. § 13-3601](#)),
- Sexual offense under [A.R.S. Title 13, Ch. 14](#), or
- DUI offense under [A.R.S. Title 28, Ch. 4](#).

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The information that must be provided to DPS includes:

- Complete personal identification,
- Fingerprints,
- Charges,
- Process control numbers,
- Dispositions.

Prior to release, a person arrested for a misdemeanor or petty offense must provide the agency that arrested the person (arresting agency) with either one or two fingerprints. The agency provides the person with a mandatory fingerprint compliance form, which includes instructions for providing a 10-print fingerprints ([A.R.S. § 13-3903](#)).

The criminal code includes two statutes that address the failure of a person to appear for offenses that are not felonies. [A.R.S. § 13-2506](#) designates knowingly failing to appear in connection with any misdemeanor or petty offense as a Class 1 misdemeanor (up to 6 months in jail/fine of up to \$2,500 plus surcharges). [A.R.S. § 13-3904](#) makes the knowing violation of a written promise to appear a Class 2 misdemeanor (up to 4 months in jail/fine of up to \$750 plus surcharges).

ADDITIONAL INFORMATION

The DPS Records and Information Bureau oversees the Repository and the Arizona Automated Fingerprint Identification System (AZAFIS). Agencies transmit information to and access information in AZAFIS through a variety of digital options. More information on the process and equipment utilized can be found [here](#).